



San Francisco Planning Department

# 949 MARKET STREET

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00.965E

## *Draft Comments and Responses*

February 22, 2002

Draft EIR Publication Date: November 10, 2001

Draft EIR Public Hearing Date: December 13, 2001

Draft EIR Public Comment Period: November 10, 2001 to December 18, 2001

Final EIR Certification Date: March 7, 2002

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# COMMENTS AND RESPONSES

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## SECTION A

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### INTRODUCTION

This document contains public comments received on the Draft Environmental Impact Report (DEIR) prepared for the proposed 949 Market Street project, and responses to those comments.

Following this introduction, Section B contains a list of all persons and organizations who submitted written comments on the DEIR and who testified at the public hearing on the DEIR held on December 13, 2001.

Sections C and D contain the comments and responses. Comments are grouped by commenter, rather than by topic, to allow commenters to easily find the responses to their comment(s). As the subject matter of one comment may overlap that of others, the reader may be referred to a prior response.

Section C contains comment letters received during the public review period from November 10 to December 18, 2001, and the responses to each comment. Each substantive comment on the DEIR is labeled with a number in the margin and the response to each comment is presented immediately after the letter containing that comment.

Section D contains transcribed comments made at the public hearing on the DEIR and the responses to each of those comments. Each substantive comment on the DEIR is similarly labeled with a number in the margin, and the responses to each set of comments follow those comments.

Section E contains text changes made to the DEIR subsequent to its publication by the DEIR preparers to correct or clarify information presented in the DEIR. Following Section E is an appendix to this document.

Some comments do not pertain to physical environmental issues, but in some instances responses are included to provide additional information for use by decision makers.

These comments and responses will be incorporated into the Final EIR as a new chapter.

## SECTION B

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### LIST OF PERSONS COMMENTING

Craig Adelman, Tenderloin Neighborhood Development Corporation, letter

Peter Albert, Manager, BART Planning, BART, letter

Patrick Banks, hearing comments

Charles Chase, Executive Director, San Francisco Architectural Heritage, letter

Cynthia Joe, Planning Commissioner, hearing comments

Tim Kelley, President, Landmarks Preservation Advisory Board, letter

Myrna Lim, Planning Commissioner, hearing comments

## SECTION C

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### WRITTEN COMMENTS AND RESPONSES

This chapter includes a copy of the comment letters received during the public review period on the DEIR and responses to those comments. Each substantive comment on the DEIR is labeled with a number in the margin and the response to each comment is presented immediately after the letter containing that comment. Where responses have resulted in changes to the text of the DEIR, these changes will also appear in the Final EIR.





PROVIDING  
AFFORDABLE  
HOUSING  
STRENGTHENING  
THE COMMUNITY

December 18, 2001

Mr. Paul Maltzer  
San Francisco Planning Dept.  
1660 Mission Street  
San Francisco, CA 94103

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DEC 18 2001

CITY & COUNTY OF S.F.  
DEPT. OF CITY PLANNING  
ADMINISTRATION



Re: *949 Market Street*  
*Draft Environmental Impact Report*

Dear Mr. Maltzer:

I am writing this letter as a member of the Mid-Market Redevelopment Project Area Committee (MMPAC) in regards to the draft environmental impact report for the proposed development at 949 Market Street.

I strongly support the development of housing in the Mid-Market area, and encourage you to support the project. My comments are in light of the shifting economic climate, recent news about the uncertain future of this development, and an extensive community input process regarding the proposed Mid-Market redevelopment area.

An article that ran last Sunday in the *Chronicle* (12/16/01) confirmed that there is no longer a developer identified for the 949 Market project. This information, coupled with current economic uncertainty and a clearly stated community desire for a broad range of housing types in the area requires that the EIR and the remainder of the entitlement approvals remain as flexible as possible.

My goal as a member of MMPAC is to get desperately needed housing of all types build in our neighborhood – as much and as soon as possible. I am concerned that without a developer, the current project envisioned by the applicant may well change. Factors such as unit size, number of bedrooms, ownership vs. rental, and parking are all subject to changes. While I recognize that the EIR requires a certain degree of specificity, I request that in this and other approvals you maintain maximum flexibility for future changes to the development. In turn, you will minimize the chances that minor changes would result in a new certification or approval process and expedite the development of housing.

I am enclosing a copy of the MMPAC's housing goals and objectives for your information. I thank you for all of your hard work on this and other projects. Please feel free to contact me if you have questions or require additional information.

Sincerely,

Craig Adelman  
Project Manager

201 Eddy Street  
San Francisco  
California 94102-2715  
415.776.2151  
415.776.3952 FAX  
www.tndc.org

[O:\HD\949 MARKET STREET\DEIR LETTER.DOC]



## **F. Housing & Neighborhood**

**Goal:** *A community that provides for a range of housing types, and which promotes opportunities at all economic rungs of the housing ladder.*

### **Objectives**

#### **New Housing Development**

- F1** Promote increased housing density on vacant or underutilized parcels, as appropriate.
- F2** Support the provision of market rate housing to ensure a diversity of income levels in the district.

#### **Rehabilitation**

- F3** Promote livable standards for residential hotels in the Project Area in coordination with other City Agencies.
- F4** Minimize the displacement of residents during rehabilitation efforts by ensuring that “permanent housing facilities shall be made available within three years from the time occupants are displaced and that pending the development of such facilities there will be available to such displaced occupants adequate temporary housing facilities at rents comparable to those in the community at the time of their displacement” (California Community Redevelopment Law, Article 9, Section 33412).

#### **Neighborhood Amenities**

- F5** Promote and develop community facilities and commercial uses to meet the needs of the area’s residents.

#### **Affordable Housing**

- F6** Future affordable housing development will consider actual levels of affordability for area residents and strive to accommodate this population.
- F7** Encourage the development of a diverse range of affordable housing types that target different populations and their needs including family, senior, transitional, supportive, and mixed use housing developments.
- F8** Strategize on how to provide housing for “very, very low-income”, no-income and mid-income populations.

**Letter A – CRAIG ADELMAN, TENDERLOIN NEIGHBORHOOD DEVELOPMENT CORPORATION**

- A-1) The DEIR was prepared to analyze the potential environmental effects of the project as proposed by the project sponsor. This DEIR would be applicable to alternative projects on this project site that are within the range of the project evaluated in the DEIR.

Additional environmental assessment could be required depending on the manner in which an alternative proposal differed from the proposed project. If the project sponsor makes changes to the proposed project, or a different developer comes forward with a similar proposal after the Final EIR is certified, the Planning Department would evaluate the revised project to determine whether additional environmental assessment would be required. Substantive changes proposed in the project would require preparation of a Subsequent or Supplemental EIR if the changes require major revisions to the EIR and any of the conditions stated in *CEQA Guidelines* Section 15164(a) are triggered. These include the involvement of new significant environmental effects or a substantial increase in the severity of previously identified effects. A Subsequent or Supplemental EIR is subject to the same notice and public review requirements as the original EIR. If the Planning Department determines that the project changes would not trigger any of the conditions in *CEQA Guidelines* Section 15164(a), and only minor changes or additions are necessary, an Addendum to the EIR would be prepared. An Addendum need not be circulated for public review but can be included in or attached to the Final EIR (*CEQA Guidelines* Section 15164(c)).

In addition, the commenter's support of the proposed project is noted. Public input regarding the merits of the proposed project may be considered independently of the environmental review process by the Planning Commission at the public hearing on the project approvals, including exceptions pursuant to Planning Code Section 309, Permit Review in C-3 Districts.



SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT  
800 Madison Street - Lake Merritt Station  
P.O. Box 12688  
Oakland, CA 94604-2688  
Telephone (510) 464-6000



December 7, 2001

San Francisco Planning Department  
Office of Environmental Review  
1660 Mission Street, 5<sup>th</sup> Floor  
San Francisco, California 94103  
Attn: Randall Dean, EIR Coordinator

WILLIE B. KENNEDY  
PRESIDENT

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THOMAS E. MARGRO  
GENERAL MANAGER

Re: 00.965E - 949 Market Street Project

Dear Mr. Dean:

DIRECTORS

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Thank you for providing BART with a copy of the Draft Environmental Impact Report for the project at 949 Market Street (00.965E), less than one block from the Powell Street BART Station. Mixed-use development, and in particular, affordable and market-rate housing, are the types of land uses BART's 1998 *Strategic Plan* seeks to promote at sites adjacent to its stations.

Accordingly, BART planning staff has reviewed studies of the housing and transportation needs in urban environments adjacent to rail transit stations, including UC Berkeley's "Parking Requirements and Housing Affordability: A Case Study of San Francisco (Transportation Research Record, 2000), and the Non-Profit Housing Association of Northern California's 2000 study *Rethinking Residential Parking*. In light of these studies, and BART service in general, we have some comments and questions about the proposed project at 949 Market Street:

**Chapter 1's** Transportation section estimates 136 pm peak hour transit trips to be "dispersed over 25 MUNI routes". No direct reference is made to BART, even though Powell Street Station is on the same block. The extraordinary transit access from this site, including BART's local and regional service (which will include direct connections to Caltrain at Millbrae and to SF International Airport before this project is complete) merits acknowledgement in this chapter and in the transit trip projections in **Chapter III, Section D (Transportation)** which project only 13 of the 136 transit trips going to BART.

Given the extensive local and regional transit access to the site, an additional reference to the General Plan's Transportation Policy 34.1 and 34.3 should be included in **Chapter II, Section C, page 24**:

- "Regulate Off-Street Parking in new housing so as to guarantee needed spaces without requiring excesses and to encourage low automobile
- ownership in neighborhoods that are well-served by transit and are convenient to neighborhood shopping." (34.1)
- "Permit minimal parking or reduced off-street parking for new buildings in residential and commercial areas adjacent to transit centers and along transit preferential streets." (34.3)

With these policies, the Conditional Use application for 158 off-street parking spaces, 120 more than would be required by Code, seems inconsistent with the General Plan. Even with the subtraction of the 53 valet spaces, the project provides 105 off-street spaces, almost 3 times the required parking of 38 spaces, which also raises the following questions:

- Do you adjust these provisions, and the demand estimate of 203 spaces (on page 49), to reflect the market support for fewer parking spaces in housing units in this type of location, especially for affordable housing?
- Are the "valet" spaces accessory serving the parking needs of adjacent properties? Isn't this restricted by Code for this District?

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- Since no mention of valet parking services, or in providing more than the minimum required parking appears in the "Project Sponsor Objectives" on page 20, why does the project sponsor seek these extra spaces, and how would the Planning Department reconcile this request with its General Plan policies?

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Cont.

Adding more, and affordable, housing to the City's stock is stated as an objective by both the Project Sponsor and the General Plan. Eliminating the off-street parking on the second floor would allow the developer to add 9 more units and keep at least 102 off-street spaces, increasing the ability to supply affordable housing, whose tenants are far less likely to own an automobile in this location. A pool of shared cars available to the tenants could allow them access to an automobile without increasing parking spaces (a solution already being implemented in the Mission Housing project at Mission Bay North).

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BART is happy to support the Planning Department in the approving projects that clearly respond to their proximity to BART. In this case and location, we see an opportunity to build more of the "transit-oriented" and affordable housing units we feel are in great need in the Bay Area, and especially, in San Francisco. Please feel free to contact me if you have any questions or comments regarding this letter.

5

Sincerely,



PETER ALBERT  
Manager, BART Planning  
San Francisco and the West Bay

## LETTER B – PETER ALBERT, BART

- B-1) The transportation discussion to which the commenter refers in Chapter I, Summary of the DEIR is a summary of the more thorough transportation discussion included in the DEIR in Section III.D, Transportation, itself a summary of the very detailed *949 Market Street Transportation Study* (October 24, 2001) prepared by Wilbur Smith Associates (this report is available for review by appointment at the San Francisco Planning Department, 1660 Mission Street, Fifth Floor, as part of Project File No. 00.965!). With regards to the proximity of the project site to BART, on page 45 of the DEIR, the Transportation section states: “The nearest Bay Area Rapid Transit (BART) and MUNI Metro station is located at Powell Street on Market Street, directly east of the site.”

The p.m. peak-hour projections of the number of transit trips that would be generated by the proposed project and the distribution of those trips over the various transit service providers (MUNI, BART, Caltrain, AC Transit, Golden Gate Transit) are based on standard trip generation rates and modal splits prescribed by the *San Francisco Interim Transportation Impact Analysis Guidelines for Environmental Review*, January 2000. The DEIR directly addresses project impacts to BART service, stating on page 48:

Project ridership on regional carriers would total about 25 (some riders would also take MUNI), with about 60 percent travelling to the East Bay on BART and AC Transit, 10 percent travelling to the North Bay on Golden Gate Transit, and the remaining 30 percent travelling to the South Bay on Caltrain. Project transit trips would not measurably affect p.m. peak-period capacity utilization on BART service to the East Bay or Peninsula, AC Transit, Golden Gate Transit, SamTrans, or Caltrain. None of the regional carriers' capacity utilization standards would be exceeded with project transit trips.

In addition, although the transportation analysis prepared for the proposed project assumed that all four of the p.m. peak-hour South Bay transit trips would occur on Caltrain and did not assume any would occur on BART's future South Bay service, because of the very limited number of South Bay trips the project's transit impacts would not be substantively different even if all four trips were assumed to use BART rather than Caltrain.

- B-2) While it is true that the language of Policies 34.1 and 34.3 of the Transportation Element of the *San Francisco General Plan* appear to be applicable to the proposed project, they were not included in the DEIR because they are intended to support Objective 34, which pertains only to “residential areas and neighborhood commercial districts.” Although the proposed project is a housing development, the project site is located in the C-3-G, Downtown General-Commercial District, which is considered neither a residential nor a neighborhood commercial district.
- B-3) As noted above in the response to Comment B-2, Policies 34.1 and 34.3 are not applicable to the proposed project. As noted on page 49 of the DEIR, the proposed project's 158 parking spaces would be 45 spaces less than the projected parking demand. The DEIR's calculation of the parking demand is based directly on the project's specific uses of retail and housing, with distinct equations used for each (as described in Appendix G of the *949 Market Street Transportation Study*). As the parking demand calculation relies in part on the trip generation rate for retail, a rate that assumes a

lower vehicle usage level in the highly transit-accessible downtown C-3 district, the calculation partially considers the project's location. Because parking demand rates for residential units are based entirely on the unit size and not the demographic of who may occupy a particular unit, parking demand is not adjusted downward for the below-market-rate "affordable" units included in the project. If the residential parking demand calculations had considered the high transit-accessibility of the project site, residential parking demand would have been determined to be lower. As such, the demand figures presented in the DEIR represent worst-case conditions.

Regarding the valet spaces, the transportation study describes in detail how they would be used. Page 4-4 of the study states: "With valet-assist parking, the 105-self-park spaces would remain self-park, on a first-come, first-serve basis. If these spaces were full drivers could park their vehicles in tandem spaces or within the parking aisles, and leave the keys in the vehicle. Valet-attendants would be on-site 24-hours a day and valet call boxes would be located throughout the garage." At this time, all of the parking proposed as part of the project is intended for use by tenants of the project and would not be accessible to off-site users. Use of on-site parking by off-site users would not be restricted by the Planning Code. Further, one of the additional criteria for conditional use approval of the proposed additional parking spaces, as provided for in Planning Code Section 157(d), is the "availability of the proposed parking to the general public at times when such parking is not needed to serve the use of uses for which it is primarily intended." As such, as part of the conditional use authorization process, the Planning Commission will make a determination as to whether the project meets this criterion and other criteria and whether the project would be generally consistent with the *General Plan*. In addition, the project sponsor considers the inclusion of more than the required number of parking spaces essential to the project's ability "to provide a return on investment," and therefore the provision of the additional spaces is indirectly addressed by the project sponsor's objectives listed on page 21 of the DEIR.

It should be noted that neither a shortage nor a surplus of parking is considered in and of itself to have the potential for significant environmental effects since parking is generally not considered to be a trip generator. A lack or abundance of parking could theoretically have the potential for secondary air quality, noise, and/or traffic congestion effects. With respect to the proposed project, the additional parking spaces not result in noticeable additional physical environmental effects.

- B-4) The commenter's suggestions regarding eliminating some of the off-street parking to allow for a greater number of residential units and providing a shared pool of parking are noted. The commenter's suggested design is not part of the proposed project and thus is not evaluated in the DEIR. Public and agency input regarding the merits of the project design may be considered independently of the environmental review process as part of the conditional use authorization process, which would include a public hearing before the Planning Commission.
- B-5) The commenter's support for transit oriented projects is noted. Public and agency input regarding the merits of the project design may be considered independently of the environmental review process as part of the conditional use authorization process, which would include a public hearing before the Planning Commission.





SAN FRANCISCO  
ARCHITECTURAL  
HERITAGE



December 17, 2001

Mr. Paul Maltzer, Environmental Review Officer  
San Francisco Planning Department  
1660 Mission Street, 5<sup>th</sup> Floor  
San Francisco, CA 94103-2414

RE: 949 Market Street  
Draft Environmental Impact Report

00.965E

Dear Mr. Maltzer:

San Francisco Architectural Heritage has reviewed the draft environmental impact report for the above referenced project. We believe additional information is needed to more fully inform the public of the existing conditions and basis for the report's conclusion that the property due to changes and alterations over the building's history has lost its integrity.

Documentation Needed: The extant structures located on the subject site are not fully described. It is important to note there are two structures occupying the proposed development location. Extant building plans and elevations should be included to more fully describe the current resources in question.

Photographs of all exterior elevations including the courtyard surfaces are needed to ascertain the extent to which modifications to the exterior of these buildings have removed character-defining features from the stated period of significance (1910-1917).

The history and architecture of the St. Francisco Theater is referenced in several surveys. It was cited as contributing to the San Francisco Theater & Loft National Register District (1986), Splendid Survivors (1979) and referenced in the Planning Department's Un-reinforced Masonry Building Survey. The DEIR should clarify the location of this site in relationship to the boundaries of the known federal register and local districts.

Building Integrity: There is not sufficient information to ascertain the level of integrity based upon the information presented. The report does not fully describe either in written or graphic form what portions, if any of the current buildings contribute to the period of significance. The extent to which exterior features currently covered by temporary weather protection and signs and interior finishes have been compromised is needed to inform the report's conclusions. We believe it is incumbent upon the project sponsor to better assess, describe and illustrate the current characteristics of the buildings to confirm the loss of integrity argued in the report.

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*Executive Director*

ARCHITECTURAL  
HERITAGE

2007 FRANKLIN ST.  
SAN FRANCISCO  
CALIFORNIA 94109

Paul Maltzer  
December 17, 2001  
Page 2

On behalf of the board and membership of San Francisco Architectural Heritage, thank  
you for the opportunity to provide our comments.

3  
Cont.

Sincerely,

A handwritten signature in black ink, appearing to read "Charles Edwin Chase". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Charles Edwin Chase, AIA  
Executive Director

CEC/s

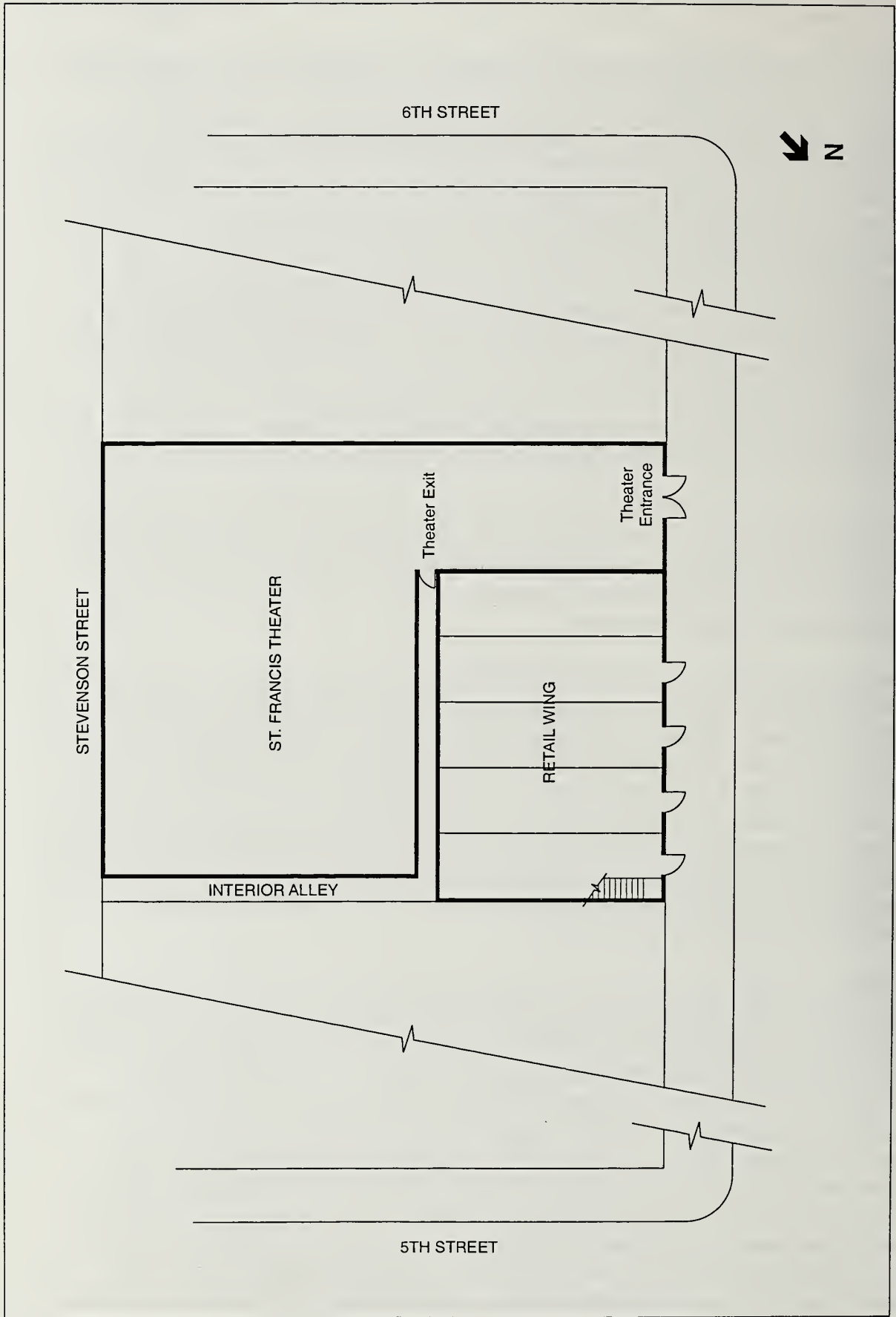
## LETTER C – CHARLES CHASE, SAN FRANCISCO ARCHITECTURAL HERITAGE

C-1) As noted on page 28 of the DEIR in footnote 4, the information presented in the historical resources discussion of the DEIR is summarized from the *Historic Resources Study: St. Francis Theater, 949-961 Market Street, San Francisco*, by Page & Turnbull, Inc. (September 5, 2001), (the full text of the report may be viewed by appointment at the San Francisco Planning Department, 1660 Mission Street, Project File No. 2000.965E). The *Historic Resources Study* was prepared specifically to facilitate the California Environmental Quality Act (CEQA) assessment of the existing 949-961 Market Street building, and therefore did not necessarily require detailed documentation of every aspect of the structure. Although no extant building plans or elevations exist that could be clearly reproduced for inclusion in the DEIR, a set of original large-format building plans are available at the Planning Department (these can viewed by appointment at the San Francisco Planning Department, 1660 Mission Street, Project File No. 2000.965E). In addition, a site plan depicting the existing building has been added as Appendix B to the DEIR (provided on the following page).

Regarding the description of the existing building, pages 29-31 of the DEIR provide both exterior and interior descriptions. As stated on page 29, "In plan, the building is composed of two parallel rectangular wings, a north wing (the building's retail wing fronting Market Street) and a south auditorium wing (fronting Stevenson)." As such, the building is in fact one structure with two wings rather than two separate structures.

Regarding photographic documentation of the building, the DEIR includes four photographs of the existing structure, including one of the Stevenson elevation, in the Visual Quality section. In addition, the Historic Resources Study included three images of the building's Market Street façade and two of its interior, although none of the Stevenson elevation or from the building's rear alley. The courtyard to which the commenter refers is a narrow pedestrian alley or walkway that both served and is treated architecturally as a backdoor; the walls of the alley are exposed brick and there are almost no decorative features or even paint on any of the walls. The Historic Resources Study's description of the building discusses specifically each elevation, including the "courtyard surfaces." Taken together, the photographs and text description depict as best as possible the extent to which modifications to the exterior have occurred.

C-2) All three of the surveys to which the commenter refers, as well as the location of the project site in relationship to the boundaries of existing historic districts, are addressed in the DEIR. With regard to the Market Street Theatre and Loft District, as stated on page 28 of the DEIR, the project site on which the existing 949-961 Market Street building is located is "...not included within the boundaries of the Market Street Theatre and Loft District." As such, the existing building is also not identified as a contributing to the District. Regarding the project site's relationship to the boundaries of the District, the top of page 28 of the DEIR states: "The project site is located approximately 45 feet to the east of the eastern boundary of the Market Street Theatre and Loft District, a *National Register of Historic Places* (National Register) district adopted in 1986. The Market Street Theatre and Loft District includes buildings on both sides of Market Street, from nearly 1,200 feet west of Sixth Street to Seventh Street, including the intersections of Market Street/Golden Gate Avenue, Taylor/Sixth Streets, and Market Street with Jones/McAllister Streets





and a little beyond in both directions.” There are no other local or federal historic districts in which the project site is located or in the vicinity of the project site.

Regarding the Unreinforced Masonry Building (UMB) Survey, page 35 of the DEIR notes that the 949-961 Market Street building “is a UMB that falls within Risk Level 3, meaning that retrofit must be completed by February 15, 2004, or the building must be demolished.” In addition, according to *A Context Statement and Architectural/Historical Survey of Unreinforced Masonry Building (UMB) Construction in San Francisco from 1850 to 1940* (Context Statement), the existing building has a State Office of Historic Preservation (SHPO) rating of “3I,” which means that it is potentially eligible for listing on the National Register. The DEIR provides this same information on page 35, where it is stated that according to SHPO, the “. . . building appears eligible for separate listing in the National Register.” The 1990 Context Statement is simply reporting the rating of the property in the SHPO inventory and has no official status itself.

The *Splendid Survivors* book is a presentation of information and ratings for downtown buildings by San Francisco Architectural Heritage. As stated on page 35 of the DEIR, “The 949-961 Market Street building was rated ‘B’ - Major Importance in *Splendid Survivors*.” The DEIR addresses Heritage’s rating of the building on pages 38-39, where it is stated:

The building is listed in the Heritage survey, which found the building to be of “Major Importance,” but has been given a rating of V in the Downtown Plan. Heritage challenged the rating assigned by the Planning Department and filed a request to reclassify 949-961 Market as a Category III (contributory) building. After consideration of the information provided by Heritage in support of its request, the Planning Department reiterated its judgement that the structure does not meet the standards for Category III buildings, and reaffirmed the Category V rating. A full hearing was held by the Landmarks Preservation Advisory Board, and the Board voted unanimously to sustain the rating. Heritage appealed the unanimous decision to the City Planning Commission. After a full hearing, the Planning Commission rejected the request for full designation.

- C-3) It is unclear what specific additional information the commenter would find useful in assessing the historic attributes of the existing building. As noted on page 28 of the DEIR and in the response to Comment C-1, the information presented in the historical resources discussion of the DEIR is a summary of the *Historic Resources Study: St. Francis Theater, 949-961 Market Street, San Francisco*, by Page & Turnbull, Inc. (September 5, 2001). The *Historic Resources Study*, and to a lesser degrees its summary in the DEIR, includes a detailed description of the building’s existing interior and exterior; design and construction history; and an evaluation of the building against each of the four *National Register* criteria. In addition, the *Historic Resources Study* includes a four-page discussion of the building’s condition as it relates to each of the seven *National Register* variables that determine a building’s integrity, and concludes that, “Although originally a very significant building, 949 Market has undergone substantial changes, especially to the interior, which significantly affect its architectural integrity.”

As part of the integrity discussion, the *Historic Resources Study* (page 17) states: “According to *National Register Bulletin 15*, ‘How to Apply the National Register Criteria for Evaluation,’ a building does not necessarily have to retain a high level of physical integrity on the interior to be

eligible for listing. Some historic buildings are ‘virtually defined by their exteriors,’ such as early steel-frame skyscrapers. However, other building types, in particular shopping arcades or movie theaters, are on the other side of the spectrum. Often possessing narrow street frontages and large elaborate auditoriums, theaters are the quintessential interior-oriented building type. According to *National Register Bulletin 15*, buildings whose main architectural features are interior, such as a concert hall, would ‘lose its value as a historic resource’ if it were to ‘lose its interior.’ This is indeed the case with 949 Market, where nothing from the 1910 or 1925 theater interiors remain after the 1968.” As such, the condition of the building’s exterior is not relevant to determining its level of integrity.

It should be noted, however, that although the precise condition of some of the building’s exterior cannot be ascertained, the *Historic Resources Study* provides ample evidence that the original exterior of the building has been extensively altered to the degree that its integrity has been lost. The study found [emphasis below added]:

In 1925 Paramount Studios commissioned **extensive changes to the exterior** and interior of the building, giving it a more contemporary Spanish Colonial Revival appearance. Virtually all of this work was removed in 1968 when the interior was demolished and the **exterior extensively altered**. (page 15)

In 1968, the St. Francis Theater was completely reconstructed on the interior and **heavily altered on the exterior**. The auditorium was completely removed and reconstructed as a two-level facility with two auditoriums. Store 106 was removed and amalgamated with the new theater lobby, the stairs moved and **the façade altered** to accommodate a full-height marquee. (page 11)

. . . [T]he focal point of the original design, the dome above the theater entrance, was removed at an unknown time. (page 17)

These conclusions are supported by visual evidence gathered by Page & Turnbull, including the assessment that the appearance of how the modern materials are applied to the building makes it unlikely that enough room exists behind them to conceal historic materials.

With regards to the building’s period of significance, the DEIR identifies the two *National Register of Historic Places* criteria that are applicable to the existing 949-961 Market Street building (Criterion B and Criterion C), the period of significance for each criterion, and the relevant aspects of the building for each criterion. The relevance of Criterion B pertains to the association of Sid Grauman with the theater, and as stated on page 32 of the DEIR: “Nonetheless, very little of the interior or exterior dating from Grauman’s management of the theater remains, rendering his connection with the building largely insignificant. The period of significance for *Criterion B* is 1910-1917, the span of time for which Grauman managed the Empress Theater.” The relevance of Criterion C is based on the fact that the building was designed by John Galen Howard, widely considered to be a master architect. As stated on pages 32-33 of the DEIR: “As the work of John Galen Howard, 949-961 Market was undisputedly the work of a master. As a resource potentially significant under *Criterion C*, the period of significance would have extended from 1910, the date of construction, to 1951, 50 years before the present date. Nonetheless, the



heavy alterations that occurred in 1968 have substantially affected the physical and architectural integrity of 949-961 Market Street.”

As such, even if some historic architectural features are concealed by modern materials and do remain perfectly intact: 1) much of the façade’s character-defining features are known to have been removed such that the building lacks sufficient integrity in terms of its exterior; 2) the building lacks sufficient integrity in terms of its interior since the character-defining features of the interior have been removed; and 3) since the building is primarily an interior-oriented building type, the loss of integrity of the interior has far greater bearing in the evaluation of the building’s integrity. Therefore further investigation of the building’s exterior is not necessary, because enough evidence already exists that the building as a whole does not possess sufficient integrity for eligibility to the National or State Registers.



# LANDMARKS PRESERVATION ADVISORY BOARD

1660 MISSION STREET, 5TH FLOOR, SAN FRANCISCO, CA 94103-2414

TEL. (415) 558-6345 • FAX. (415) 558-6409

December 7, 2001

RECEIVED

JAN 02 2002

PLANNING DEPT



Mr. Paul Maltzer  
Environmental Review Officer  
San Francisco Planning Department  
1660 Mission Street, Suite 500  
San Francisco, CA 94103

Re: 949 Market Street

Dear Mr. Maltzer:

On December 5, 2001, the Landmarks Preservation Advisory Board (Landmarks Board) held a public hearing to consider and comment on the Draft Environmental Impact Report (DEIR) for 949 Market Street, dated November 10, 2001. Public testimony was taken, and the Landmarks Board then discussed the Report, with the following salient points being raised:

1. The discussion of Historic Resources (p28), which is based largely on a Historic Resource Study by Page & Turnbull, Inc. of September 5, 2001, fails to clarify how it was determined whether historic fabric on the interior of the building has actually been removed, or is simply covered by alterations performed in 1925 and 1968. The Page & Turnbull Study also does not clarify this point.
  - 1.1 Further, both the DEIR and the Page & Turnbull report state that it is undetermined how much exterior historic fabric has actually been removed, rather than simply being covered by modern accretions.
  - 1.2 Given the uncertainty regarding the continued existence of so much important historic fabric, the Landmarks Board cannot agree with the conclusion reached by the DEIR that the building no longer possesses sufficient integrity for eligibility for listing in the National Register or the California Register. Because of this, the Landmarks Board also cannot agree with the further conclusions of the DEIR, that 949-961 Market Street does not meet the definition of an historical resource under CEQA, nor that its demolition would not be considered a significant adverse environmental effect.

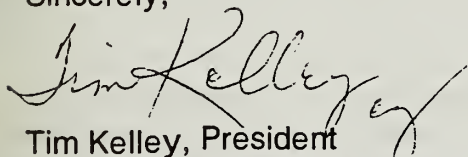
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| 1.3 | Board members questioned the reasons for the building's exclusion from the Market Street Theatre and Loft District.  | 3 |
| 1.4 | Board members questioned the adequacy of the discussion of the building's association with Sid Grauman, a significant historic personage and a former owner of the building.   | 4 |
| 2.  | Regarding Alternatives to the Proposed Project (p67), the Landmarks Board believes an Alternative should be considered in which the existing building is upgraded and a vertical addition made to the present southern wing. It would appear this could provide adequate space to meet the project sponsor's objectives, while retaining the present building. | 5 |
| 3.  | The discussion of the building's Visual Quality (p40) underestimates the contribution of the building to its streetscape by concentrating unduly on easily reversible characteristics such as awning colors. The Landmarks Board believes the building is a much stronger contributor to the surrounding streetscape than is concluded in the DEIR.            | 6 |
| 4.  | Regarding Improvement Measures (p64), the Landmarks Board believes that Historic American Building Survey (HABS) recordation should include documentation of the vaudeville players who performed in the theater prior to its conversion to motion pictures.   | 7 |

The Landmarks Board appreciates the opportunity to participate in the review of this important project proposal.

Sincerely,



Tim Kelley, President  
Landmarks Preservation Advisory Board

TK/ag



## LETTER D – TIM KELLEY, LANDMARKS PRESERVATION ADVISORY BOARD

D-1) The *Historic Resources Study* was prepared by Page & Turnbull architects. As explained in the Methodology section of the *Historic Resources Study* (page 1), “Page & Turnbull visited the building in January 2001 to photograph and evaluate the physical integrity of the building. Page & Turnbull then researched the building’s construction and operational history in various local archives, referencing original plans and permits on file at the San Francisco Department of Building Inspection, building and architect files at San Francisco Architectural Heritage, historic photographs and Sanborn maps at the San Francisco History Room and newspaper articles in the San Francisco Newspaper Index.” As such, the study found:

In 1968, the St. Francis Theater was completely reconstructed on the interior and heavily altered on the exterior. The auditorium was completely removed and reconstructed as a two-level facility with two auditoriums. Store 106 was removed and amalgamated with the new theater lobby, the stairs moved and the façade altered to accommodate a full-height marquee. (page 11)

In 1925 Paramount Studios commissioned extensive changes to the exterior and interior of the building, giving it a more contemporary Spanish Colonial Revival appearance. Virtually all of this work was removed in 1968 when the interior was demolished and the exterior extensively altered. (page 15)

. . . [T]he focal point of the original design, the dome above the theater entrance, was removed at an unknown time. (page 17)

The interior of the theater and the auditorium wing was completely removed in 1968 and most of the interior of the north retail wing has been reconfigured and refinished a number of times, leaving scant evidence of John Galen Howard’s original design. (pages 17-18)

With the exception of some original plaster wall finishes and trim in the retail wing, almost no historic finishes embodying any sense of workmanship remain in the interior of the building. (page 18)

It is unclear exactly what additional information the commenter would like to see to be more confident of the above conclusions of the historic architecture experts who assessed the building and prepared the study. From the architectural consultant’s assessment, the interior alterations to the building are permanent and therefore the loss of the building’s integrity is also permanent. Also, please see the response to Comment C-3.

D-2) As stated above in the responses to Comments C-3 and D-1, there is a preponderance of evidence to support the conclusion that the existing structure has not maintained enough of its integrity to be considered an historic resource under CEQA. Please see those responses for further explanation.

It should further be noted that the Planning Commission and the Landmarks Board itself voted to sustain the building’s Downtown Plan rating of V (unrated), as described on pages 38 and 39 of the DEIR. Page 38 states:

The 949-961 Market Street building appears in the State Historic Resources Inventory, but is not listed in a local register of historical resources as defined by Public Resources Code Section 5020.1. The building is listed in the Heritage survey, which found the building to be of "Major Importance," but has been given a rating of V in the Downtown Plan. Heritage challenged the rating assigned by the Planning Department and filed a request to reclassify 949-961 Market as a Category III (contributory) building. After consideration of the information provided by Heritage in support of its request, the Planning Department reiterated its judgement that the structure does not meet the standards for Category III buildings, and reaffirmed the Category V rating. A full hearing was held by the Landmarks Preservation Advisory Board, and the Board voted unanimously to sustain the rating. Heritage appealed the unanimous decision to the City Planning Commission. After a full hearing, the Planning Commission rejected the request for full designation.

- D-3) Comment noted. The decision to not include the 949-961 Market Street building in the Market Street Theater and Loft District was not made as part of the proposed project, but was determined at the time of the District's adoption. As such, the DEIR merely is reporting the status of the building as it pertains to the District.
- D-4) The comment does not include specific examples of what the Landmarks Preservation Advisory Board members believe to be inadequate about the discussion of the building's association with Sid Grauman. To clarify, the DEIR concludes that because Sid Grauman managed the Empress/Strand Theater from 1910 to 1917, the building was "... associated with the lives of persons significant in our past" (Criterion B). In order for a structure to qualify for eligibility to the National Register under Criterion B, the property must retain integrity from the period of its significant associations. The DEIR further concludes that "very little of the interior or exterior dating from Grauman's management of the theater remains, rendering his connection with the building largely insignificant." As such, the DEIR both acknowledges the association with the building of a significant figure and explains why that association does not contribute to the significance of the building as an historic resource.
- D-5) The DEIR includes the Preservation Alternative, which would preserve and seismically retrofit the existing structure, while restoring it as consistently with the original design as possible. The existing building is not considered to be an historical resource under CEQA and therefore its demolition as part of the proposed project would not be a significant impact. Nonetheless, this alternative was provided because it would minimize the less than significant impacts of the proposed project while accomplishing as many of the project sponsor's objectives as possible.

The Preservation Alternative maximizes the preservation of the existing structure but reduces the realization of the sponsor's objectives with respect to providing dwelling units. The proposed project, on the other hand, would maximize the provision of dwelling units while not preserving the existing structure. The commenter's suggested alternative would fall within the range of alternatives possible between the proposed project and the Preservation Alternative described in the DEIR. The commenter's suggested alternative would not potentially generate effects on the environment substantively different from the effects analyzed in the DEIR for the Preservation Alternative. Therefore, inclusion of the commenter's suggested alternative would not further accomplish the requirements of *CEQA Guidelines* Section 15126.6, which states that an EIR "need



not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decisionmaking and public participation.” Section 15126.6 also states that the range of alternatives to the proposed project discussed in an EIR “shall include those that could feasibly accomplish most of the basic objectives of the project and could avoid or substantially lessen one or more of the significant effects.” As such, no additional alternatives were included in or need to be added to the DEIR.

- D-6) The comment does not include specific examples of what the Landmarks Preservation Advisory Board members believe to be qualities of the existing building that contribute to the streetscape that were not addressed in the DEIR. While the setting discussion (pages 40-43) includes a description of existing reversible building characteristics, this discussion also addresses the relative height of the building to others in the immediate area, the visibility of the building from a variety of viewpoints, its lack of a cohesive architectural style, and the current condition and appearance of the building (with both text and recent photographs). It should be clarified that the DEIR’s analysis of the project’s visual quality impacts pertains only to the impacts associated with demolition of the existing structure and construction of the proposed project. Further, the Initial Study (included in the DEIR as Appendix A) concluded that the proposed project would not have a significant potential adverse effects on visual quality, and the *Historic Resources Study* found that the existing building is one of the most drastically altered buildings in the district.
- D-7) To address the commenter’s concern regarding ensuring documentation of the vaudeville players who performed in the former theater that once occupied the existing building on the project site, page 65 of Chapter IV, Mitigation and Improvement Measures, Improvement Measure A.1, is revised as follows (new language is underlined):

Prior to the demolition of the 949-961 Market Street building, the project sponsor would employ an architectural historian to submit two copies each of documentation of the building’s history, along with photographs and modified-format Historic American Building Survey drawings of the building, to the President of the Landmarks Preservation Board, the Environmental Review Officer, the History Room of the San Francisco Public Library (Main Library), the Northwest Information Center, and the California Historical Society. Per the request of the Landmarks Preservation Advisory Board, preparation of the Historic American Building Survey would include documentation of the vaudeville players who performed in the former theater that once occupied the existing building on the project site.



## SECTION D

### PUBLIC HEARING COMMENTS AND RESPONSES

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This chapter contains typed comments from a transcript of the comments made at the public hearing on the DEIR and the responses to each of those comments. (A copy of the complete transcript is available for review by appointment at the San Francisco Planning Department, 1660 Mission Street, Fifth Floor, as part of Project File No. 00.965E). Each substantive comment on the DEIR is labeled with a number in the margin and the response to each comment is presented following the commenter's remarks. For purposes of sequential reference with the written comments, these comments are designated as though they were contained in comment letters. Therefore, comments from the first speaker at the public hearing are answered in responses E-1, E-2, etc., from the second commenter, in responses F-1, F-2, and so on. Where responses have resulted in changes to the text of the DEIR, these changes will also appear in the Final EIR.

Public Hearing Comments E – Patrick Banks

Good afternoon, Madam President and fellow Commissioners. My name is Patrick Banks and I'm speaking on behalf of a building company located on 54 Mint Street in mid-Market. I'd like to speak with respect to the project at 949 Market Street. We believe that this project would be beneficial to the neighborhood and would do a lot to revitalize that block on Market Street. We think that creating housing on Market is a good proposal and it would be in line with the fact that that's a good area to explore more uses of high-density housing, residential housing on Market Street. We also believe that it would also be in line with the Transit First Policy that would encourage housing around transit areas being that this would be within the same block as the Powell Street station. We are familiar with the property as we're located on Mint Street directly behind where the project would be located. So once again, we'd like to voice our support and say that we don't see anything that would be detrimental to the neighborhood, to the residents, and the businesses surrounding this project. Thank you.

E-1

Response to Comment E

E-1) The commenter's support of the proposed project is noted. Public input regarding the merits of the proposed project may be considered independently of the environmental review process by the Planning Commission at the public hearing on the project approvals, including Planning Code exceptions pursuant to Planning Code Section 309.

Public Hearing Comments F – Commissioner Joe

On page 5, the DEIR states that the hazard criterion, 26 miles per hour wind would be exceeded for a total of two hours per year. From that wind study, they also refer to a footnote on page 51 which states in Footnote No. 19, that it exceeded the 26 miles per hour and should not be more than a total of one hour. So what mitigation are we doing to reduce the 26 mile per hour within that one location of Stevenson and 6th Street? We talk about total of two hours a year and then the Footnote 19 on page 51 says that we shouldn't exceed one hour for that 26 miles per hour.

F-1

Response to Comment F

F-1) To clarify, the Wind discussion on page 51 (and summarized on page 5) of the DEIR indicates that under existing conditions, "[t]he highest wind speeds in the vicinity occur west of the project site, where the north side of Stevenson Street meets the east side of Sixth Street. The Planning Code's wind hazard criterion (which is 26 mph, as explained in footnote 19 on page 51 regarding the provisions of Planning Code Section 148) is currently exceeded at that location for a total of 2 hours per year." The Impacts section of the Wind discussion on page 52 of the DEIR indicates that with the proposed project, "[t]he highest wind speeds in the vicinity would continue to occur west of the project site, where the north side of Stevenson Street meets the east side of Sixth Street. However, with the project, the Planning Code's wind hazard criterion would be met at that point compared to existing conditions." As such, the existing exceedance of the wind hazard criterion would be eliminated with implementation of the proposed project and no mitigation would be required.

Public Hearing Comments G- Commissioner Lim

The question that I have is regarding transportation, and I think we always encourage development of housing, and at the same time, there are a few items that remain critical. On the issue of transportation, the DEIR indicates that this particular project would add approximately 2,343 new trips per day and they would be vehicle trips and transit trips and so on and so forth. But in the summary, it says that with these that there is no significant impact on the area; however, it did say that under cumulative 2015 traffic conditions, intersection levels of service will deteriorate from acceptable to unacceptable levels at four intersections. I guess what I would like to ask is if it's possible that this Draft Environmental Impact Report address the transportation issue a little bit more closely, particularly if there are any possible hazardous conditions that it would create or that it would impose on pedestrians and bicyclists. And as far as the continuation to acceptable levels of traffic conditions and certain protections and knowing that very, very well, I'm not sure if it's accurate to point out that the deterioration would -- the cumulative deterioration would then be happening until the year 2015, when knowing that the area full well, it's a very difficult area, particularly Market and 6th to navigate either by bicycle or by car or whatnot.

G-1

Finally, I think that with regards to construction, as it is in construction where there are mitigating procedures, that the transportation issue should also address some possible mitigating remedies so that when we look at the viability of this project, that there is in fact a possibility or an opportunity to see this project in a little bit more light.

Responses to Comment G

G-1) A transportation study (Wilbur Smith Associates, 949 Market Street Transportation Study, October 24, 2001) was prepared for the project, a summary of which is provided in the DEIR. The Transportation Study provides more detailed information about estimated trip generation, intersection level of service calculations, and existing pedestrian bicycle conditions. The DEIR (pages 49 and 50) concluded that the project would not result in significant effects to pedestrians or bicyclists. Regarding pedestrians, the DEIR states: "Overall it is anticipated that new pedestrian trips could be accommodated within the existing sidewalks and crosswalks adjacent to the project site and would not substantially affect the current pedestrian operating conditions." Regarding bicycles, the DEIR states: "An additional 112 bicyclists (assuming conservatively that all of the 112 "walk/other" trips were bicycles) in the area during the p.m. peak hour would not increase bicycle activity beyond the current moderate levels. As such, there would be no bicycle-related significant impacts." The DEIR (pages 47 and 48) also concluded that the project would not result in significant effects to cumulative intersection level of service because the project's contribution would not be considerable.

No transportation mitigation measures were provided in the DEIR because the project was not found to not have the potential for significant effects. The DEIR does include an Improvement Measure, Measure B.1, which would restrict project-related construction truck traffic and prohibit staging or unloading of equipment during peak hours to avoid peak-period effects on traffic and transit, as well as establish coordination with MUNI, DPT, and other responsible agencies to coordinate construction activities so as to minimize vehicular and pedestrian construction impacts on traffic.



## SECTION E

### STAFF-INITIATED TEXT CHANGES

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On January 14, 2002 a letter from NRG Energy Center, San Francisco was submitted to the Planning Department regarding the proposed project (see Appendix A of this document for a copy of the letter). This letter was received subsequent to the close of the public comment period for the DEIR, which was from November 10, 2001 to December 18, 2001. The letter indicates that NRG operates a steam-producing plant at 460 Jessie Street between Jessie and Stevens Streets, directly to the south of the project site. As a public utility, NRG is regulated by the California Public Utilities Commission. The existing facility, which operates around-the-clock, consists of five large boilers that burn natural gas and vent steam exhaust through two 200-foot cooling towers (as can be seen in Figures 9 and 10 of the DEIR). The letter also indicates that NRG is planning to construct a new 50 megawatt turbine cogeneration facility on its property across from the project site. In response to the information provided in this letter, the text change below is made to the DEIR.

- Page 27 of Chapter III.A, Zoning and Land Use, is revised by adding the following paragraph after the first full paragraph:

Directly across Stevenson Street to the south of the project site, at 460 Jessie Street, is a steam-producing plant that consists of five large boilers that burn natural gas and vent steam exhaust through two 200-foot tall cooling towers. The plant currently operates 24 hours per day, 7 days per week. The operator of the facility (NRG Energy Center, San Francisco) indicates that it intends to replace an existing two-story office structure on the property with a new 50-megawatt turbine cogeneration facility consisting of a two-story building topped by a 20- 30-foot-tall cooling tower. The new structure would have frontages on both Jessie and Stevenson Streets. Project completion is planned for 2005 or 2006. The project would be expected to require approvals from the California Public Utilities Commission and the Planning Department and would be subject to CEQA review, for which the Planning Department would likely serve as the lead agency. At that time, the potential impacts of the NRG Energy Center project on the surrounding environment, if any, would be assessed.

## **APPENDIX A**

LETTER FROM NRG ENERGY CENTER, JANUARY 8, 2002

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08 January 2002

Property: 949 Market Street Project

Attn: Mr. Paul Maltzer  
Environmental Review Officer

Department of City Planning  
Major Environmental Analysis  
30 Van Ness, 4<sup>th</sup> Floor, Suite 4150  
San Francisco, CA 94102

Subject: Public Comments On DEIR (00.965E)

NRG Energy Center  
San Francisco LLC

410 Jessie Street  
Suite 702  
San Francisco, CA 94103-1835

cc: Mr. Randall Dean  
EIR Coordinator

(415) 777-3415  
(415) 777-3787 Fax  
[www.nrgenergy.com](http://www.nrgenergy.com)

Dear Mr. Maltzer:

NRG Energy Center San Francisco L.L.C. owns and operates a power generating plant located adjacent to the subject proposed project at 949 Market. We would like to take this opportunity to comment on concerns we have in locating a residential high-rise next to an industrial facility.

#### Background

We are a district steam company providing heating service to most major buildings in the central business district, including Moscone Convention Center and City Hall. We operate a central steam producing plant at 460 Jessie Street, between Jessie and Stevenson Streets, and located directly behind the 949 Market Street Project site. We are a public utility regulated by the California Public Utilities Commission (CPUC) and operating a franchise agreement from the City of San Francisco. Our plant has been in continuous operation for over 60 years.

#### Current Status

Our plant is an industrial facility that operates 24/7, and as such has its own level of noise associated with it. On the site are five large-scale boilers burning natural gas and venting exhaust through two 200-foot stacks. Of course, the plant meets or exceeds all government regulations for noise, emission and other hazards.

#### New Development

Our near future objectives are to add significant upgrades and improvements to the plant, specifically, the addition of a cogeneration facility on the same footprint. This will supplement our steam capacity and produce much needed electricity for the city power grid. It will entail installation of a 50-megawatt turbine combined cycle generator and construction of a cooling tower. The cooling tower will be clearly visible and may occasionally give off white plumes of steam vapor. Again we plan to comply with government regulations, including those related to the environment.

We welcome the 949 Market Street Project and look forward to its positive influence on the neighborhood. However, we want to make it aware to all concerned parties involved with the 949 Market Project of our existence and plans to improve and upgrade our facility.

I look forward to your response. If you need further clarification, please contact me directly at (415) 760-9819.

Sincerely,

Marketing Director  
NRG San Francisco  
Tel. (415) 777-3415  
Fax (415) 777-3787





# PLANNING DEPARTMENT

City and County of San Francisco 1660 Mission Street, Suite 500 San Francisco, CA 94103-2411

(415) 558-6378

PLANNING COMMISSION  
FAX: 558-6409

ADMINISTRATION  
FAX: 558-6426

CURRENT PLANNING/ZONING  
FAX: 558-6409

LONG RANGE PLANNING  
FAX: 558-6426

DATE: February 22, 2002

TO: Interested Parties

FROM: Paul Maltzer, Environmental Review Officer

SUBJECT: Draft Comments and Responses 949 Market Street Project (Case No. 00.965E)

This is the Draft Comments and Responses document for the 949 Market Street Project. This document is being provided to all those who testified at the hearing on the Draft EIR or who submitted written comments on the Draft EIR to the Planning Department's Environmental Review Officer before the close of the Draft EIR public review period and to other interested parties. The public hearing on the certification of the Final EIR for the 949 Market Street Project will be held by the Planning Commission on March 7, 2002.

After certification, we will modify the Draft EIR as specified by the Comments and Responses document and print both documents in a single publication called the Final EIR. The Final EIR will add no new information to the combination of the two documents except to reproduce the certification resolution. It will simply provide the information in one document, rather than two. Therefore, if you receive a copy of the Comments and Responses document in addition to this copy of Draft EIR, you will technically have a copy of the Final EIR. Thank you for your interest in this project.

DOCUMENTS DEPT.

FEB 25 2002

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